

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

IN RE:

Case No: 10-48348

Jeffrey and Tina Hauser,

Debtor(s).

Chapter 13

**NOTICE OF HEARING ON
PRE-CONFIRMATION MODIFIED PLAN**

Please take notice that a hearing on the pre-confirmation modified plan filed on November 8, 2010, will be presented to the court for confirmation on February 17, 2011, at 10:00 a.m. at the U.S. Courthouse Courtroom 8 West, 8th Floor 300 S 4th Street, Minneapolis, MN 55415.

Dated this 4th day of February 2011.

HELLER LAW FIRM, P.L.C.

/s/ Robert S. Thyen

Robert S. Thyen - 032288X
Attorney for Debtor
606 25th Avenue South, Suite 110
St. Cloud, MN 56301
320-654-8000

IN RE:

Hauser, Jeffrey Christian & Hauser, Tina Marie

Debtor(s)

Case No. 10-48348

Chapter 13

MODIFIED CHAPTER 13 PLAN

Dated: February 4, 2011.

1. PAYMENTS BY DEBTOR TO TRUSTEE –

- a. As of the date of this plan, the debtor has paid the trustee \$ 0.00 .
- b. After the date of this plan, the debtor will pay the trustee \$ 255.00 per month for 21 months, beginning within 30 days after the filing of this plan for a total of \$ 5,355.00. Debtor has \$48.74 deducted bi-weekly from each paycheck in repayment of her 401K loan. The maturity date of this loan is scheduled for 8/17/2012. At the time the loan matures, debtors will increase their Ch 13 monthly payment to \$ 353.00 for 32 months. Debtor also has \$96.35 deducted bi-weekly from each paycheck in repayment of her 2nd 401K loan. The maturity date of this loan is scheduled for 4/10/2015. At the time the loan matures, debtors will increase their Ch 13 monthly payment to \$ 546.00 for the remaining 7 months. The minimum plan length is ☐ 36 or ☒ 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee: n/a
- d. The debtor will pay the trustee a total of \$ 20,473.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE – The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 2,047.30 , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] – The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

<i>Creditor</i>	<i>Monthly Payment</i>	<i>Number of Months</i>	<i>TOTAL PAYMENTS</i>
None			
TOTAL			0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

<i>Creditor</i>	<i>Description of Property</i>
AT&T	2 Year cell phone contract
Nissan Motor Acceptance Corporation	2010 Nissan Murano Vehicle Lease

5. CLAIMS NOT IN DEFAULT – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

<i>Creditor</i>	<i>Description of Claim</i>
Bank of America Home Loans	Homestead is located at 22041 Talon Drive, St. Augusta, MN 55
Bank of America Home Loans	Rental Property located at 1212 Willow Pond Drive, Waite Park,
Bank of America Home Loans	Homestead is located at 22041 Talon Drive, St. Augusta, MN 55
Bank of America Home Loans	Rental Property located at 1212 Willow Pond Drive, Waite Park,
Nelnet Lns	Student Loan
Nelnet Lns	Student Loan
Nissan Motor Acceptance Corporation	2010 Nissan Murano-leased vehicle
Volkswagen Credit	2007 Volkswagen Jetta 2.5 Sedan 4D

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] – The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
None					
TOTAL					0.00

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] – The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if any)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
TOTAL						0.00

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] – The trustee will pay, on account of the following allowed secured claims, the amount set forth in the “Total Payments” column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor’s discharge. NOTWITHSTANDING A CREDITOR’S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR’S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR’S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	Monthly Payment	Number of Payments	Payments on Account of Claim	Adequate Protection from ¶ 3	TOTAL PAYMENTS
None									
TOTAL									0.00

9. PRIORITY CLAIMS – The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimate Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Heller Law Firm	2,274.00	227.40	1	10	2,274.00
IRS	4,501.98	115.44	10	39	4,501.98
MN Department Of Revenue	4,153.97	106.51	10	39	4,153.97
TOTAL					10,929.95

10. SEPARATE CLASSES OF UNSECURED CREDITORS – In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Int. Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
None						
TOTAL						0.00

11. TIMELY FILED UNSECURED CREDITORS – The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 7,495.75 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 274,372.91.
- Total estimated unsecured claims are \$ 266,458.91 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS – All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS – The trustee may distribute additional sums not expressly provided for herein at the trustee’s discretion.

The debtor(s) shall provide copies of their federal and state income tax returns to the trustee annually and shall pay the net amount of their combined income tax refunds in excess of \$2,000, less any earned income credit, as additional plan payments.

Bank of America Home Loans will recommence issuing monthly mortgage statements within 30 days of the confirmation of the plan.

14. SUMMARY OF PAYMENTS –

Trustee's Fee [Line 2]	\$	2,047.30
Home Mortgage Defaults [Line 6(d)]	\$	0.00
Claims in Default [Line 8(d)]	\$	0.00
Other Secured Claims [Line 8(d)]	\$	0.00
Priority Claims [Line 9(f)]	\$	10,929.95
Separate Classes [Line 10(c)]	\$	0.00
Unsecured Creditors [Line 11]	\$	7,495.75
TOTAL [must equal Line 1(d)]	\$	20,473.00

Robert S. Thyen 032288X
Heller Law Firm
606 25th Avenue South, Suite 110
St. Cloud, MN 56301-4810

Signed: /s/ Jeffrey Christian Hauser
DEBTOR

Signed: /s/ Tina Marie Hauser
DEBTOR (if joint case)